

**Posted – November 13, 2013**

**REGULAR MEETING NOVEMBER 18, 2013**

**TOWN COUNCIL OF THE TOWN OF MIDDLETOWN, RHODE ISLAND**

**The following items of business, having been filed with the Town Clerk under the Rules of the Council, will come before the Council at a regular meeting to be held on Monday, November 18, 2013 at 7:00 P.M. (6:00 PM- EXECUTIVE SESSION; 6:30 PM PRESENTATION – UPDATE STORMWATER STEERING COMMITTEE) the Middletown Town Hall, 350 East Main Road, Middletown, Rhode Island. All items on this agenda, with the exception of the Public Forum Session, may be considered, discussed and voted upon.**

**Any person not a member of the Council, desiring to address the Council concerning a matter on the docket of the Council, not the subject of a Public Hearing, shall submit a written request to the Town Clerk stating the matter upon which he desires to speak. Persons are permitted to address the Council for a period not to exceed five (5) minutes.**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**RECONSIDERATION**

**The Middletown Town Council follows the codification of present-day general parliamentary law as articulated in Robert's Rules of Order**

**Newly Revised 10th edition (2000), together with whatever rules of order the Council has adopted for its own governance. The motion to reconsider is one of the motions that can bring a question again before an assembly, and is designed to bring back for further consideration a motion which has already been voted on:**

**If, in the same session that a motion has been voted on, but no later than the same day or the next day on which a business meeting is held, new information or a changed situation makes it appear that a different result might reflect the true will of the assembly, a member who voted with the prevailing side can, by moving to Reconsider [RONR (10th ed.), p. 304-321] the vote, propose that the question shall come before the assembly again as if it had not previously been considered. (From Robert's Rules of Order Newly Revised In Brief, Robert, Evans et al., De Capo Press, 2004)**

## **EXECUTIVE SESSION- 6:00 PM**

**1. Executive Session - Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (2) Potential Litigation and (2) Litigation.**

## **PRESENTATION – 6:30 PM**

- 2. Update – Stormwater Steering Committee. (No documentation)**

## **PRESENTATION – 7:00 PM**

- 3. Memorandum of Chief Doire, re: Fire Department Promotional Ceremony.**

## **PUBLIC FORUM SESSION**

- 4. Pursuant to Rule 23 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting. All items discussed during this session will not be voted upon.**

## **ACTING AS A BOARD OF LICENSE COMMISSION**

**5. (Public Hearing Advertised)**

**Application of Back of the Bus, LLC dba IDA's Restaurant, 21A Valley Road, for RENEWAL of its Retailers Class BV Alcoholic Beverage License for the 2013-2014 licensing year.**

**CONSENT**

**6. Approval of Minutes, re: Regular Meeting, November 4, 2013.**

**7. Memorandum of Town Administrator, re: Town Council – Questions – October 21 Abatement List.**

**8. (Continued from Regular Meeting, November 4, 2013)**

**Communication of Tax Assessor, thru Town Administrator, dated October 29, 2013, with enclosure, re: Cancellation of taxes for certain Middletown taxpayers.**

**9. (Continued from Regular Meeting, November 4, 2013)**

**Resolution of the Council, re: Cancellation of taxes for certain Middletown taxpayers.**

**10. Communication of Tax Assessor, thru Town Administrator, with enclosure, re: Cancellation of taxes for certain Middletown taxpayers.**

**11. Resolution of the Council, re: Cancellation of taxes for certain Middletown taxpayers.**

**12. Communication of Tax Assessor, thru Town Administrator, with enclosure, re: Cancellation of taxes for certain Middletown taxpayers.**

**13. Resolution of the Council, re: Cancellation of taxes for certain Middletown taxpayers.**

**14. Communication of Tax Assessor, thru Town Administrator, with enclosure, re: Cancellation of taxes for certain Middletown taxpayers.**

**15. Resolution of the Council, re: Cancellation of taxes for certain Middletown taxpayers.**

**16. Communication of Jack Reinhold, Interim Director, Boys & Girls Clubs of Newport County, re: Appreciation of Support for 2013 Civic Appropriation.**

**17. (Continued from November 4, 2013, Regular Meeting)**

**(Continued from October 21, 2013, Regular Meeting)**

**(Continued from October 7, 2013, Regular Meeting)**

**An Ordinance of the Town of Middletown (First Reading)**

**An Ordinance in Amendment to the Town Code of the Town of Middletown, Title III, Administration, Chapter 36, Fee Schedule, Section 45, Burial Lots. (The Administration requests to continue this matter to January 21, 2014, Regular meeting of the Council)**

**18. (Continued from Regular Meeting, October 21, 2013)**

**(Continued from Regular Meeting, July 15, 2013)**

**(Continued from Regular Meeting, June 17, 2013)**

**Memorandum of Gladys B. Lavine, Chair, Middletown Planning Board, with enclosures, re: Impact Fee Schedule Recommendation. (The Administration requests to continue this matter to January 21, 2014, Regular meeting of the Council)**

**19. Notice of Public Hearing from the Zoning Board of Review – Petition of Bank Newport (owner) – Graphic Impact Signs, Inc. (applicant) – for a Special Use Permit from Section 1212 – to allow an additional freestanding monument sign at the John Clarke Road Entrance, for real estate located at 184 John Clarke Road, TAP 115, Lot 39.**

**20. Notice of Public Hearing from the Zoning Board of Review – Petition of Bruce Aldrich (owner) – David E. Michael (applicant) – for a Variance from Section 603, 701 & 803G – to demolish existing detached garage and construct a 22' X 24' two story garage addition at the rear and a 24' x 24' second floor over the existing house with a front yard setback of 11'- 4" where 25' is required, left side yard**

setback of 11' – 8" and right side yard setback of 11'- 1" where 15' is required, and a rear yard setback of 11'– 11" where 30' is required, resulting in lot coverage of 32% where 25% is allowed, for real estate located at 79 Wolcott Avenue, TAP 115SE, Lot 10A .

21. Application of Back of the Bus, LLC dba IDA's Restaurant, 21A Valley Road, for RENEWAL of a Victualling House License for the 2013-2014 licensing year.

22. Application of Toby's LLC dba Toby's Sub Shop, 1397 West Main Road, for RENEWAL of a Victualling House License for the 2013-2014 licensing year.

23. Application of Delops, Inc. dba D'Angelos Grilled Sandwiches, 401 West Main Road, for RENEWAL of a Victualling House License for the 2013-2014 licensing year.

## **ORDINANCES**

24. An Ordinance of the Town of Middletown (First Reading)

An Ordinance in Amendment to the Town Code of the Town of Middletown, Title III Administration, Chapter 34, Taxes, Section 34.02, Exemption on Residential Property.

25. An Ordinance of the Town of Middletown (First Reading)

An Ordinance in Amendment to the Town Code of the Town of

**Middletown, Title III Administration, Chapter 100, Special Events,  
Section 100.02, Definition and Examples.**

## **OTHER COMMUNICATION**

**26. Memorandum of Senator Louis P. DiPalma, re: Legislative Agenda for 2014.**

**27. Communication of Vincent J. Palumbo, P.E., Highway Managing Engineer, RIDOT, with enclosure, re: Reconstruction of Two Mile Corner (ROUTES 138/114) West Main Road – Commercial Street to Maplewood Road, East Main Road – West Main Road to Bailey Brook, Middletown, RI – RI Contract No. 93116, R.I.F.A.P. NO. AF-0138(011), HHP-4858(001) Two Mile Corner Stone Monument.**

**28. Communication of Tegan Nelson, Middletown, re: Request for support to for an Outreach Volunteer to Ethiopia to visit and work at an impoverished orphanage.**

## **TOWN COUNCIL**

**29. Resolution of the Council, re: Proclaiming November 30, 2013 – Small Business Saturday in the Town.**

**30. At the request of Council President Semonelli, re: Discussion of**



**December Town Council dates. (No documentation)**

## **TOWN ADMINISTRATOR COMMUNICATIONS**

**31. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: RI Energy Aggregation Program (REAP) Electricity Supply Agreement extension.**

**32. Resolution of the Council, re: Approving extending the existing 2-year Electricity Service Agreement with Direct Energy for an additional year.**

**33. Memorandum of Town Engineer, thru Town Administrator, re: Easton's Point Utility Work.**

## **APPOINTMENTS TO BOARDS & COMMITTEES**

**34. Memorandum of Town Clerk, re: Appointment of two (2) members to the Middletown Prevention Coalition; one to complete a term expiring in April 2015, Faith Sector and one to complete a term expiring in March 2015, School Sector.**

**35. Memorandum of Town Clerk, thru Town Administrator, re:**

**Recreation Facilities Master Plan Advisory Group.**

**36. Election Ballot from United States Department of Agriculture, re: Appointment of one (1) member to the Farm Service Agency Committee.**

**37. Communication of Sharon Morgera, re: Resignation from the Middletown Committee for the Arts.**

**Wendy J.W. Marshall, CMC**

**Town Clerk**

**This meeting location is accessible to the handicapped. Individuals requiring interpreter services for the hearing impaired should notify the Town Clerk's Office not less than 48 hours before this meeting.**